

HOUSE JOURNAL

OF THE

IDAHO LEGISLATURE

FIRST REGULAR SESSION
SIXTY-THIRD LEGISLATURE

TWENTY-SIXTH LEGISLATIVE DAY
FRIDAY, FEBRUARY 6, 2015

House of Representatives

The House convened at 11 a.m., the Speaker in the Chair.

Roll call showed 66 members present.

Absent – Hartgen, Loertscher, Thompson, Wood. Total – 4.
Total – 70.

Prayer was offered by Chaplain Tom Dougherty.

The Pledge of Allegiance was led by Nicholas Wills, Page.

3RD ORDER

Approval of Journal

February 6, 2015

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Twenty-fifth Legislative Day and recommend that same be adopted as corrected.

WILLS, Chairman

Mr. Wills moved that the report be adopted. Seconded by Mr. Gannon. Report adopted.

4TH ORDER

Consideration of Messages from the Governor and the Senate

February 5, 2015

Mr. Speaker:

I transmit herewith enrolled [S 1002](#) and [S 1003](#) for the signature of the Speaker.

NOVAK, Secretary

The Speaker announced he was about to sign enrolled [S 1002](#) and [S 1003](#) and, when so signed, ordered them returned to the Senate.

February 5, 2015

Mr. Speaker:

I return herewith enrolled [H 26](#) which has been signed by the President.

NOVAK, Secretary

Enrolled [H 26](#) was referred to the Judiciary, Rules, and Administration Committee for delivery to the Governor.

February 5, 2015

Mr. Speaker:

I return herewith [H 41](#) which has passed the Senate.

NOVAK, Secretary

[H 41](#) was referred to the Judiciary, Rules, and Administration Committee for enrolling.

5TH ORDER

Report of Standing Committees

February 6, 2015

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have printed [HCR 4](#), [H 84](#), [H 85](#), [H 86](#), [H 87](#), [H 88](#), [H 89](#), [H 90](#), and [H 91](#).

WILLS, Chairman

[HCR 4](#) was filed for second reading.

[H 84](#) and [H 85](#) were referred to the Revenue and Taxation Committee.

[H 86](#) was referred to the Ways and Means Committee.

[H 87](#) was referred to the Transportation and Defense Committee.

[H 88](#), [H 89](#), [H 90](#), and [H 91](#) were referred to the State Affairs Committee.

February 6, 2015

Mr. Speaker:

We, your COMMITTEE ON REVENUE AND TAXATION, report that we have had under consideration [H 77](#) and recommend that it do pass.

COLLINS, Chairman

[H 77](#) was filed for second reading.

There being no objection, the House advanced to the Eighth Order of Business.

8TH ORDER

Introduction, First Reading, and Reference of Bills and Joint Resolutions

HOUSE BILL NO. 92

BY BUSINESS COMMITTEE

AN ACT

RELATING TO THE UNIFORM VOIDABLE TRANSACTIONS ACT; AMENDING SECTION 55-910, IDAHO CODE, TO REVISE TERMINOLOGY AND DEFINITIONS; AMENDING SECTION 55-911, IDAHO CODE, TO REVISE A DEFINITION; AMENDING SECTION 55-913, IDAHO CODE, TO REVISE TERMINOLOGY, TO PROVIDE THAT A CREDITOR MAKING A CLAIM HAS THE BURDEN OF PROOF AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 55-914, IDAHO CODE, TO REVISE TERMINOLOGY AND TO PROVIDE THAT A CREDITOR MAKING A CLAIM HAS THE BURDEN OF PROOF; AMENDING SECTION 55-915, IDAHO CODE, TO REVISE TERMINOLOGY; AMENDING SECTION 55-916, IDAHO CODE, TO REVISE TERMINOLOGY, TO REVISE A REFERENCE AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 55-917, IDAHO CODE, TO REVISE TERMINOLOGY, TO REVISE PROVISIONS RELATING TO A CREDITOR RECOVERING JUDGMENT FOR A TRANSFER THAT IS AVOIDABLE, TO REVISE A PROVISION RELATING TO WHEN A TRANSFER IS NOT VOIDABLE AND TO PROVIDE RULES FOR DETERMINING BURDEN OF PROOF; AMENDING SECTION 55-918, IDAHO CODE, TO REMOVE REFERENCE TO FRAUD AND TO REVISE TERMINOLOGY; AMENDING

CHAPTER 9, TITLE 55, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 55-919, IDAHO CODE, TO PROVIDE RULES FOR DETERMINING A DEBTOR'S LOCATION AND TO PROVIDE FOR WHICH LAWS GOVERN A CLAIM; AMENDING SECTION 55-919, IDAHO CODE, TO REDESIGNATE THE SECTION; AMENDING SECTION 55-920, IDAHO CODE, TO REDESIGNATE THE SECTION; AND AMENDING SECTION 55-921, IDAHO CODE, TO REDESIGNATE THE SECTION AND TO REVISE TERMINOLOGY.

HOUSE BILL NO. 93
BY BUSINESS COMMITTEE
AN ACT

RELATING TO LIQUEFIED PETROLEUM GAS; AMENDING CHAPTER 53, TITLE 54, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 54-5318, IDAHO CODE, TO PROVIDE THAT NO PERSON OTHER THAN THE OWNER OF A LIQUEFIED PETROLEUM GAS CONTAINER MAY FILL, REFILL, EVACUATE OR USE THE CONTAINER, TO PROVIDE EXCEPTIONS AND TO PROVIDE PENALTIES.

HOUSE BILL NO. 94
BY RESOURCES AND CONSERVATION COMMITTEE
AN ACT

RELATING TO TRESPASS; AMENDING SECTION 6-202, IDAHO CODE, TO PROVIDE AN EXCEPTION TO THE APPLICABILITY OF SPECIFIED LAW FOR CERTAIN PERSONS, COMPANIES, CORPORATIONS AND ENTITIES.

HOUSE BILL NO. 95
BY REVENUE AND TAXATION COMMITTEE
AN ACT

RELATING TO SALES TAX; AMENDING CHAPTER 36, TITLE 63, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 63-3622VV, IDAHO CODE, TO PROVIDE AN EXEMPTION FROM THE SALES OR USE TAX ON CERTAIN MATERIALS USED IN CONNECTION WITH A PUBLIC ROAD, TO PROVIDE EXCEPTIONS AND TO DEFINE TERMS.

[H 92](#), [H 93](#), [H 94](#), and [H 95](#) were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

There being no objection, the House advanced to the Tenth Order of Business.

10TH ORDER
Second Reading of Bills and Joint Resolutions

[H 23](#), [H 24](#), and [H 25](#), by Health and Welfare Committee, were read the second time by title and filed for third reading.

11TH ORDER
Third Reading of Bills and Joint Resolutions

**[H 55](#) - PEACE OFFICER AND DETENTION OFFICER
TEMPORARY DISABILITY ACT**

[H 55](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Palmer to open debate.

The question being, "Shall [H 55](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Anderst, Andrus, Barbieri, Bateman, Batt, Bell, Beyeler, Boyle, Burtenshaw, Chaney, Cheatham, Chew, Clow, Collins, Crane, Dayley, DeMordaunt, Dixon, Erpelding, Gannon, Gestrin, Gibbs, Harris, Hixon, Holtzclaw, Horman, Jordan, Kauffman, Kerby, King, Kloc, Luker, Malek, McCrostie, McDonald, McMillan, Mendive, Miller, Monks, Moyle, Nate, Nielsen, Nye, Packer, Palmer, Pence, Perry, Raybould, Redman, Romrell, Rubel, Rudolph, Rusche, Scott, Shepherd, Sims, Smith, Troy, Trujillo, VanOrden, Vander Woude, Wills, Wintrow, Youngblood, Mr. Speaker. Total – 66.

NAYS – None.

Absent – Hartgen, Loertscher, Thompson, Wood. Total – 4.
Total – 70.

Whereupon the Speaker declared that [H 55](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 42](#) - FUELS TAX

[H 42](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Harris to open debate.

The question being, "Shall [H 42](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Anderst, Andrus, Barbieri, Bateman, Batt, Bell, Beyeler, Boyle, Burtenshaw, Chaney, Cheatham, Chew, Clow, Collins, Crane, Dayley, DeMordaunt, Dixon, Erpelding, Gannon, Gestrin, Gibbs, Harris, Hixon, Holtzclaw, Horman, Jordan, Kauffman, Kerby, King, Kloc, Malek, McCrostie, McDonald, McMillan, Mendive, Miller, Monks, Moyle, Nate, Nielsen, Nye, Packer, Palmer, Pence, Perry, Raybould, Redman, Romrell, Rubel, Rudolph, Rusche, Scott, Shepherd, Sims, Smith, Troy, Trujillo, VanOrden, Vander Woude, Wills, Wintrow, Youngblood, Mr. Speaker. Total – 65.

NAYS – Luker. Total – 1.

Absent – Hartgen, Loertscher, Thompson, Wood. Total – 4.
Total – 70.

Whereupon the Speaker declared that [H 42](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

**[S 1013](#) - APPROPRIATIONS - DEPARTMENT OF FISH
AND GAME**

[S 1013](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Gibbs to open debate.

The question being, "Shall [S 1013](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Anderst, Andrus, Barbieri, Bateman, Batt, Bell, Beyeler, Boyle, Burtenshaw, Chaney, Cheatham, Chew, Clow, Collins, Crane, Dayley, DeMordaunt, Dixon, Erpelding, Gannon, Gestrin, Gibbs, Harris, Hixon, Holtzclaw, Horman, Jordan, Kauffman, Kerby, King, Kloc, Luker, Malek, McCrostie, McDonald, McMillan, Mendive, Miller, Monks, Moyle, Nate, Nielsen, Nye, Packer, Palmer, Pence, Perry, Raybould, Redman, Romrell, Rubel, Rudolph, Rusche, Scott, Shepherd, Sims, Smith, Troy, Trujillo, VanOrden, Vander Woude, Wills, Wintrow, Youngblood, Mr. Speaker. Total – 66.

NAYS – None.

Absent – Hartgen, Loertscher, Thompson, Wood. Total – 4.

Total – 70.

Whereupon the Speaker declared that [S 1013](#) passed the House. Title was approved and the bill ordered returned to the Senate.

Mr. Moyle asked unanimous consent that [H 47](#) be placed at the top of the Third Reading Calendar. There being no objection, it was so ordered.

[H 47](#) - LAND BOARD

[H 47](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Erpelding to open debate.

The question being, "Shall [H 47](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Anderst, Andrus, Bateman, Bell, Beyeler, Boyle, Burtenshaw, Chew, Collins, Crane, Erpelding, Gannon, Gestrin, Hixon, Holtzclaw, Horman, Jordan, Kauffman, Kerby, King, Kloc, Malek, McCrostie, McDonald, Mendive, Miller, Moyle, Nye, Packer, Palmer, Pence, Perry, Raybould, Redman, Romrell, Rubel, Rudolph, Rusche, Smith, Troy, Trujillo, VanOrden, Vander Woude, Wills, Wintrow, Youngblood, Mr. Speaker. Total – 48.

NAYS – Barbieri, Batt, Chaney, Cheatham, Clow, Dayley, DeMordaunt, Dixon, Gibbs, Harris, Luker, McMillan, Monks, Nate, Nielsen, Scott, Shepherd, Sims. Total – 18.

Absent – Hartgen, Loertscher, Thompson, Wood. Total – 4.
Total – 70.

Whereupon the Speaker declared that [H 47](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

Mr. Moyle asked unanimous consent that the remaining bills on the Third Reading Calendar retain their places until Monday, February 9, 2015. There being no objection, it was so ordered.

There being no objection, the House advanced to the Sixteenth Order of Business.

16TH ORDER Adjournment

Mr. Moyle moved that the House adjourn until 11 a.m., Monday, February 9, 2015. Seconded by Mr. Rusche. Motion carried.

Whereupon the Speaker declared the House adjourned at 11:34 a.m.

SCOTT BEDKE, Speaker

ATTEST:

BONNIE ALEXANDER, Chief Clerk